

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

LEAGUE OF UNITED LATIN
AMERICAN CITIZENS, *et al.*, §
§
§
Plaintiffs, § EP-21-CV-00259-DCG-JES-JVB
§ [Lead Case]
EDDIE BERNICE JOHNSON, *et al.*, §
§
§
Plaintiff-Intervenors, § &
v. § All Consolidated Cases
§
§
§
GREG ABBOTT, *in his official capacity as* §
Governor of the State of Texas, et al., §
§
§
Defendants. §

ORDER DENYING MOTION TO QUASH IN PART AS MOOT

Two of the Plaintiffs in these consolidated cases—the United States and the Mexican American Legislative Caucus (“MALC”)—issued a deposition subpoena to Dade Phelan, the Speaker of the Texas House of Representatives. ECF No. 341-1. Speaker Phelan has moved to quash or modify the subpoena.¹ Mot., ECF No. 341, at 5–15.²

The United States has now informed the Court that “Plaintiffs no longer seek to depose House Speaker Dade Phelan.” Notice, ECF No. 446. *See also* Order, ECF No. 409, at 8

¹ The Motion also asks the Court to quash a deposition subpoena against Margo Cardwell, General Counsel to the Texas House of Representatives. Mot. at 15–20. This Order does not resolve that aspect of the Motion.

The Motion also asked the Court to quash a deposition subpoena against Sharon Carter, Parliamentarian of the Texas House of Representatives. *Id.* at 20–24. The Court previously denied the Motion in part to the extent it sought that relief, and allowed MALC to depose Parliamentarian Carter subject to various conditions and procedures. Order, ECF No. 409, at 9–12.

² References to page numbers in this Order refer to the page numbers assigned by the Court’s CM/ECF system, rather than to the cited document’s internal pagination.

(ordering the United States to file either (1) a “notice that the Plaintiffs no longer seek to depose Speaker Phelan” or (2) a “supplemental response to Speaker Phelan’s Motion to Quash setting forth the circumstances that, in the United States’ view, are sufficiently exceptional to justify deposing the Speaker” by July 15, 2022); Order, ECF No. 429 (extending the July 15, 2022 deadline).

The Court accordingly **DENIES** the “Motion by Texas House Speaker Dade Phelan, General Counsel to the House Margo Cardwell, and House Parliamentarian Sharon Carter to Quash Deposition Subpoenas and, Alternatively, Motion for Protective Order” (ECF No. 341) **IN PART** as **MOOT** the extent it seeks to quash the deposition subpoena against Speaker Phelan.

The Court directs the Clerk to keep the Motion **PENDING ON THE DOCKET** to the extent the Court has not yet ruled on Defendants’ request to quash the deposition subpoena against General Counsel Margo Cardwell.

So ORDERED and SIGNED this 19th day of July 2022.



DAVID C. GUADERAMA
UNITED STATES DISTRICT JUDGE

And on behalf of:

Jerry E. Smith
United States Circuit Judge
U.S. Court of Appeals, Fifth Circuit

-and-

Jeffrey V. Brown
United States District Judge
Southern District of Texas